IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1484 OF 1999

Madhukar Daji Shinde ...Petitioner.

V/s

The State of Maharashtra ...Respondents.

None for the petitioner.

Ms. M.M.Deshmukh, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 19th January, 2006

P.C.:

1. None appears on behalf of the petitioner. Heard the learned APP for the State.

2. The petitioner is original accused No.5 who is challenging the order passed by the J.M.F.C. dismissing his application for discharge which order was confirmed by the Sessions Court.

3. The grievance of the petitioner in the said application was that though he is public servant, sanction under section 197 of the Code of Criminal Procedure Code was not obtained before taking cognizance of the offence. The Trial Court has observed that question whether the alleged act which

was committed by the petitioner of issuing duplicate licence was performed during the discharge of his official duties or not will have to be decided at a subsequent stage. The said order was confirmed by the Sessions Court. I do not see any reason to interfere with the order passed by the Trial Court and the Revisional Court. Criminal Writ Petition is, therefore, rejected. Rule is discharged. Interim relief, in any, stands vacated.

V.M. KANADE, J.